

SO ORDERED



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:

WILLIAM ANTHONY TACCINO

Debtor

WILLIAM A. TACCINO

Movant

v.

ALLEGHENY POWER
STEVEN H. GREENFELD, TRUSTEE

Respondents

Case No. 11-25376PM
Chapter 7

MEMORANDUM AND ORDER

On August 25, 2011, the Debtor filed a Request to Extend or Impose Automatic Stay ("Motion") as to the creditor Allegheny Power, the holder of a pre-petition claim said to be in the amount of \$894.38 (Account No. 2 18 29 985 35499 3). The Motion appears to have been served only upon the Chapter 7 Trustee and not upon the utility.

Inasmuch as this Motion was filed 29 days after the filing of the bankruptcy case under Chapter 7, the utility does, pursuant to Section 366(b) of the Bankruptcy Code, have the authority to alter, refuse, or discontinue service. Section 366(b) provides:

11 U.S.C. § 366. Utility service

(b) Such utility may alter, refuse, or discontinue service if neither the trustee nor the debtor, within 20 days after the date of the order for relief, furnishes adequate assurance of payment, in the form of a deposit or other security, for service after such date. On request of a party in interest and after notice and a hearing, the court may order reasonable modification of the amount of the deposit or other security necessary to provide adequate assurance of payment.

Therefore, the Debtor's Request to Extend or Impose Automatic Stay is DENIED without prejudice to the Debtor filing a motion for modification of the amount of the security deposit requested.

SO ORDERED.

cc:

William A. Taccino, 402 Pine Avenue, Cumberland, MD 21502

Steven H. Greenfeld, Trustee, 7910 Woodmont Avenue, Suite 1103, Bethesda, MD 20814

Allegheny Power, Customer Service Center, Attn: Bobbie,

1310 Fairmont Avenue, P.O. Box 1392, Fairmont, WV 26555-1392

End of Order